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Docket No. 0756-2378

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Art Unit: 2812
Shunpei YAMAZAKI et al.) Examiner: V. Simkovic
Serial No. 09/986,743)
Filed: November 9, 2001)
For: LASER APPARATUS, LASER)
ANNEALING METHOD, AND)
MANUFACTURING METHOD OF)
A SEMICONDUCTOR DEVICE)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with
The United States Postal Service with sufficient postage as First
Class Mail in an envelope addressed to: Commissioner for Patents,
Washington, D.C. 20231, on March 13, 2003.

Adele M. Stamper
Adele M. Stamper

RESPONSE

Honorable Commissioner of Patents
Washington, D.C. 20231

Sir:

The Official Action mailed December 13, 2002 has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, Applicant respectfully submits that this response is being timely filed.

Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on November 9, 2001. Applicant awaits confirmation of consideration of the Information Disclosure Statement filed December 12, 2002.

Claims 1-109 are now pending in the present application, of which claims 1, 6, 10, 15, 19, 23, 27, 32, 36, 40, 44, 48, 51, 55, 58, 61, 64, 68, 71, 74, 77, 81, 84, 88, 91, 97, 101, 104, and 107 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

The Official Action rejects claims 1-109 as obvious based on the combination of U.S. Patent 5,432,122 to Chae and U.S. Patent 5,372,089 to Yoshida et al. The Official Action asserts that Chae discloses most features of the present invention, except for the use of 2nd, 3rd, or 4th harmonics. The Official Action asserts that Yoshida teaches the

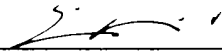
use of harmonics and that it would have been obvious to combine Yoshida and Chae since using these harmonics leads to satisfactory crystallization results.

As stated in MPEP § 2143-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

It is respectfully submitted that the Official Action has failed to establish a sufficient motivation that one of skill in the art would have been motivated to combine Chae and Yoshida and therefore that a *prima facie* case of obviousness cannot be maintained. Chae discloses improving recrystallization uniformity of a polysilicon layer obtained by laser beam processing (see column 2, lines 40-44). However, Yoshida et al. disclose a method of forming a thin film on a base material (see column 4, lines 4-6). Yoshida discloses the use of a laser for forming a thin film on a base material, and there is no disclosure or suggestion that such process could or should be used in the recrystallization method disclosed in Chae. Accordingly, there is no motivation for combining Chae and Yoshida and a *prima facie* case of obviousness cannot be maintained. Favorable reconsideration is requested.

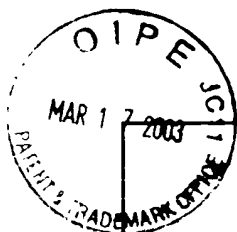
Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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Reg. No. 38,285

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PTO SB/21 (08-00)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number	09/986,743
	Filing Date	November 9, 2001
	First Named Inventor	Shunpei YAMAZAKI et al.
	Group Art Unit	2812
	Examiner Name	V. Simkovic
	Attorney Docket Number	0756-2378

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosures 1. 2. 3. 4. 5. 6.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric J. Robinson, Reg. No. 38,285 Robinson Intellectual Property Law Office, P.C. PMB 955 21010 Southbank Street Potomac Falls, VA 20165
Signature	
Date	March 13, 2003

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Type or printed name	Adele M. Stamper		
Signature		Date	March 13, 2003

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